PROPERTY OF
UNITED NATIONS
COLLECTION

The United Nations and Decolonization

United Nations

The United Nations and Decolonization

By I. S. Djermakoye
Under-Secretary-General for
Trusteeship and Non-Self-Governing Territories

When the representatives of 51 States assembled in San Francisco to draft the United Nations Charter, few could have foreseen that 25 years later their number would have increased to 126 or that the international political scene would have been radically changed by one of the most remarkable developments of our time—the emergence from colonial status of hundreds of millions of people, inhabiting 20 per cent of the world's land area.

The forces which brought about this emancipation were set in motion by the Second World War and were not, of course, the product of the San Francisco Conference, at which only a small minority of African and Asian countries were represented. But the Charter, even though it reflects the diverse interests of its drafters, from the outset involved the United Nations in the struggle to eliminate colonialism by committing its Members to uphold the principle of self-determination and of equal rights for all peoples and to promote human rights and fundamental freedoms. Thus committed, the United Nations was logically destined to espouse the claims of the dependent peoples and to play an important role in the process of decolonization. That role has been primarily to act as a catalyst for the forces of anti-colonialism, providing them with impetus, cohesion and direction. At the same time, the United Nations can rightfully claim that the peaceful transition from colonial status to independence in many former dependent Territories has been largely due to its constructive intervention.

Provisions of the Charter

United Nations actions in the field of decolonization spring directly from the Charter which, as drafted in 1945, made a distinction between colonial Territories in general and a special category of Territories, known as Trust

Territories, for which the United Nations was assigned a supervisory role. As regards the former, Chapter XI of the Charter, entitled the "Declaration regarding Non-Self-Governing Territories", provided that Members of the United Nations administering Territories whose peoples had not yet attained a full measure of self-government recognized the principle that the interests of the inhabitants are paramount and accepted as a sacred trust the obligation to promote to the utmost their well being. To this end, the administering Powers pledged themselves to ensure the political, economic, social and educational advancement of the inhabitants of those Territories, to develop self-government and to assist the dependent peoples in the progressive development of free political institutions, according to the particular circumstances of each Territory and their varying stages of development.

For the second category of Territories, the Charter provided in Chapters XII and XIII for the creation of the International Trusteeship System and for a special organ, the Trusteeship Council, to supervise on behalf of the United Nations the administration of such Territories with a view to their attainment of self-government or independence. With respect to Trust Territories, firm guide-lines and procedures for supervision were laid down in the Charter and the co-operation of the Administering Authorities was guaranteed through bilateral Trusteeship Agreements. Because of this and because the objectives of the International Trusteeship System were clearly stated in the Charter, the task of the United Nations was relatively simple; in fact, the main problems which arose related to the pace of evolution towards self-government or independence. The success of the International Trusteeship System can be seen today in the fact that nine of the eleven Territories placed under Trusteeship have either become independent or have chosen to join an independent State.

In the case of colonial Territories, as distinguished from Trust Territories, the task of the United Nations was more difficult. Apart from a commitment entered into by administering Powers to furnish information concerning conditions in Non-Self-Governing Territories administered by them, the Charter contained no provisions for overseeing compliance with the obligations assumed by those Powers under Chapter XI and procedures had to evolve over the years to establish an acceptable method of international supervision. Thus, from 1946 onwards, one can discern the gradual assertion by the General Assembly of its competence with regard to the Non-Self-Governing Territories. Broadly speaking, the course taken by the Assembly between 1946 and 1960 was first to define the scope, nature and procedures relating to the transmission of information, then to establish its competence to examine the information transmitted by administering Powers and to make recommendations on conditions in the Territories and finally to assert its competence to determine whether or not a Territory was Non-Self-Governing within the context of Chapter XI of the Charter. Not all Members accepted these decisions, as we shall see in the case of Territories under Portuguese administration.

In the meantime, important developments were taking place in the international scene which greatly affected attitudes towards the question of decolonization. Within the United Nations, the adoption of the Universal Declaration of Human Rights and the changing composition of the Organization's membership resulting from the admission of former Non-Self-Governing Territories as they attained independence created a sharper awareness of the incompatibility

of colonialism with the purposes and principles of the Charter. At the same time, the Bandung Conference of 1955, at which 29 African and Asian States pledged themselves to struggle for decolonization, marked the emergence of a new unity and militancy among the anti-colonial Powers which, in Africa, was further consolidated by the conferences of African Heads of State and Government leading to the formation of the Organization of African Unity. By 1960, a year which witnessed the admission to membership in the United Nations of seventeen newly independent States, sixteen of them African, the former colonial nations had not only gained significant voting power in the General Assembly but had united their efforts together with other African and Asian States in the pursuit of common goals.

Declaration on Decolonization and the Special Committee

The adoption, at the end of 1960, of the historic Declaration on the Granting of Independence to Colonial Countries and Peoples marked the beginning of a new and more urgent approach to the problem of decolonization. Although some thirty Trust and Non-Self-Governing Territories had already attained self-government or independence since 1945, it was evident to many Members that progress towards complete emancipation was too slow and should be accelerated. Accordingly, the General Assembly proclaimed in the Declaration the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations. It declared that the subjection of peoples to alien domination and exploitation constituted a denial of fundamental human rights and was contrary to the Charter and an impediment to the promotion of world peace and co-operation. The Assembly asserted that all peoples had the right to self-determination and that inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying their independence. Immediate steps should therefore be taken in all Territories which had not yet attained independence to "transfer all powers to peoples of those Territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom".

Resolutions of the General Assembly have moral force, particularly when, as in the case of the Declaration, the overwhelming majority of Member States have voted for them but, apart from action by the Security Council, there is no provision in the Charter for enforcement. Having adopted the Declaration, the Assembly had next to exert pressure on administering Powers to obtain their compliance. To assist it in this task, the Assembly in 1961 established a Special Committee to examine the application of the Declaration and make suggestions and recommendations on the progress and extent of its implementation.

The Special Committee, composed of twenty-four Member States, has become, aside from the General Assembly itself, the principal United Nations body dealing with the broad question of decolonization. Meeting almost continuously between Assembly sessions, it follows closely developments in all the Non-Self-Governing Territories, receives petitions and hears petitioners and, where appropriate, undertakes detailed studies of factors which affect the progress

of decolonization. In carrying out its task, the Special Committee has laid particular emphasis on receiving first-hand information from the Territories, either by sending out visiting groups or by accepting invitations to hold meetings in African capitals. Although it has been the desire of the Committee to visit the colonial Territories themselves in order to study the problems on the spot, it has for the most part been unable to do so owing to the negative attitude of many administering Powers. By holding meetings in close proximity to colonial Territories in Africa, however, it has been able to facilitate the appearance before it of representatives of national liberation movements who would otherwise have found it impossible to travel to New York. These meetings have had the dual effect of making the colonial peoples in Africa aware of United Nations support for their struggle to attain freedom and independence and of acquainting the Committee with the realities of the situation, thereby enhancing its capacity to assist the colonial peoples in realizing their aspirations.

By its tireless efforts and voluminous reports the Special Committee, commonly known as the Committee of 24, has helped to bring about a much more vigorous and concerted approach to the problem of decolonization in the United Nations and a greater realization among those Member States not directly concerned of the seriousness and complexity of the problems involved. One of its important contributions has been to draw attention to the decisive role of foreign financial and economic interests in bolstering the colonial régimes and impeding the implementation of the Declaration. Viewed in this broader light, the solution of the problem of decolonization involves not only convincing the administering Powers of the need for change, but of inducing all Member States to co-operate by preventing their nationals from exploiting the colonies for profit.

Four Broad Categories of Action

United Nations action since 1960 to eradicate colonialism falls into four broad categories. In the first place there has been a marked intensification of moral persuasion in the form of repeated recommendations and appeals addressed to the administering Powers. Secondly, there has been resort to coercive action through the intervention of the Security Council and by calling upon States and international institutions to withhold assistance from the colonialist régimes. Thirdly, the United Nations has sought to provide moral and material aid to the colonial peoples in their struggle for independence by urging Member States to provide direct assistance and by enlisting the help of the specialized agencies and other international institutions, particularly with regard to the needs of refugees; in this connexion, one must also mention the existence of several scholarship programmes furnished by or through the United Nations for training persons from colonial Territories in administrative and other skills. Finally, the United Nations has sought to arouse world public opinion by using mass communications media to disseminate information on the plight of the colonial peoples, especially in southern Africa, and their struggle for liberation.

An important departure in the United Nations approach to colonial questions occurred in 1965 when the Assembly, confronted with a rapidly deteriorat-

ing situation in southern Africa, established three fundamental principles. First, it affirmed that the continuation of colonial rule, as well as *apartheid* and all forms of racial discrimination, are a threat to international peace and security; secondly, it affirmed that these constitute a crime against humanity; and thirdly it recognized the legitimacy of the struggle of colonial peoples to exercise their right to self-determination and independence. These principles have subsequently served as a basis for appeals for action by the Security Council and for requests addressed to all States, specialized agencies and other international institutions to provide moral and material support for the colonial peoples in their struggle for restoration of their inalienable rights.

Varied Response by Administering Powers

The response of the administering Powers to the efforts of the United Nations to bring about decolonization has varied depending upon the factors involved: for example, the existence or absence of economic or strategic interests in the Territories concerned; the presence or otherwise of a settler community; and ability or inability of the inhabitants of the Territories to subordinate local differences in order to attain a common goal. In some cases, the response has been positive and occasionally the administering Powers have turned to the United Nations for assistance in preparing the Territories for independence and in attesting to the impartiality of popular consultations. Thus, the United Nations has on several occasions been called upon to supervise or oversee the conduct of critical elections or of constitutional consultations at which the inhabitants of a Territory were asked to determine their future. For example, since 1960 United Nations observer teams have been present at elections and referenda leading to self-determination or independence in Western Samoa, Rwanda, Burundi, the Cook Islands and Equatorial Guinea.

In other cases, the response of the administering Powers has been less positive, or even completely negative and defiant. In the latter category, particular mention must be made of the remaining Non-Self-Governing Territories in southern Africa where powerful vested interests have combined to form a bastion against the winds of change. Although the struggle to eliminate colonialism is by no means won in other parts of the world, it is in southern Africa, where repression and racial discrimination has led to armed resistance and threatens international peace and security, that the United Nations faces the most serious challenge to its authority and to the principles which it is pledged to uphold. In this connexion, one cannot fail to recall that, had the responsible administering Powers heeded earlier recommendations and appeals by the United Nations, the situation in southern Africa might have evolved very differently.

The nine years which have elapsed since the General Assembly adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples have seen the emergence from dependent status of a further twenty-six Territories, with a total of nearly 53 million inhabitants, of which twenty-two have been admitted to membership in the United Nations. There are grounds for hoping, moreover, that another Territory, Fiji, may also attain full self-government within the near future.

Forty-five Non-Self-Governing Territories Remain

There remain today 45 Territories containing approximately 28 million people who still live under alien rule. The majority—about 18 million—inhabit Territories in southern Africa which are discussed separately below. The other Territories, which are scattered widely around the world, in many cases present special problems due, among other things, to the smallness and isolation of some, the fact that certain Territories are the subject of conflicting claims to sovereignty or are of special interest to certain Governments for geographical, historical or other reasons. There are, for example, the particular problems of small islands or island groups such as Pitcairn, with only 92 inhabitants, or the Cocos (Keeling) Islands, with a population of under 700. There are also the particular problems of such Territories as Gibraltar and the Falkland (Malvinas) Islands, where questions of sovereignty are involved. Such problems call for special solutions which take account of the circumstances peculiar to the Territory concerned. That is why the Committee of 24 and the General Assembly have laid particular stress on the need to send visiting missions to obtain first-hand information on the political, economic and social situation in the small Territories and on the wishes and aspirations of the inhabitants. It is the opinion of many Members of the United Nations that the reluctance of the administering Powers concerned to extend their co-operation by permitting access to the Territories has hampered the work of the Committee of 24, and, in some cases, may well be delaying the process of decolonization.

Special Problems of Southern Africa

The most critical problem of decolonization concerns, however, the Territories in southern Africa, and, by extension, the other Territories elsewhere ruled by Portugal. Legally, the questions of Namibia, Southern Rhodesia and the Portuguese-ruled Territories of Angola, Mozambique and Guinea, called Portuguese Guinea, are different, but in political and humanitarian terms the issues are fundamentally the same. In each case, defiant rejection of the basic principles of the Charter, refusal to accept the authority of the United Nations, racial discrimination and denial of the fundamental and inalienable rights of the African inhabitants has led to armed resistance which threatens to engulf that part of Africa in racial war. In each case, decolonization is opposed by powerful vested interests in the form of large settler minorities and in four of the five Territories the problem is further complicated by the fact that their economic wealth, particularly in minerals such as diamonds, copper, nickel and petroleum, has resulted in major capital investment by important companies of diverse nationality. Another element is the fact that Angola, Mozambique, Southern Rhodesia and Namibia, together with South Africa, occupy the southern extremity of Africa and form a last stronghold of white supremacy in an emergent Africa. Inevitably, as has already happened in respect to the presence of South African security forces in Southern Rhodesia, the minority régimes tend to co-operate in order to perpetuate their domination.

It is not my intention in the present article to discuss in detail the long history of United Nations efforts to cope with the problems of decolonization in southern Africa which has been amply described in previous articles. In the

case of Namibia, the problem strikes directly at the foundations of the United Nations since it involves not only the application to the Territory of *apartheid*, the most virulent form of racial discrimination, but also open defiance by South Africa both of the General Assembly and of the Security Council in violation of its Charter obligations. It will be recalled that, after endeavouring for years to induce South Africa to fulfil its international commitments in respect of the Territory, the General Assembly in 1966 terminated the League of Nations Mandate under which South Africa administered Namibia and itself assumed direct responsibility for the Territory. Subsequently, the Assembly created the United Nations Council for Namibia to take over the administration from South Africa and to lead Namibia to independence. South Africa's response to this and to subsequent resolutions of the Security Council, which called upon it to withdraw its administration from Namibia, at the latest by 4 October 1969, has so far been one of complete defiance. Not only has South Africa refused to comply or to recognize the United Nations Council for Namibia, but it has proceeded with plans to incorporate Namibia within its system of *apartheid* and, despite the overwhelming condemnation of the General Assembly and the Security Council, has applied repressive measures in an effort to stifle African opposition within the Territory. Faced with this rejection of its authority by a Member State, the Security Council called upon all States to refrain from any dealings with the Government of South Africa purporting to act on behalf of Namibia and, in a resolution adopted on 30 January 1970, initiated a study of ways and means of obtaining South Africa's compliance.

In the case of Southern Rhodesia, the legal aspect of the situation is different. There, the United Nations is concerned with a minority régime of white settlers who, in 1965, seized control of the Territory and illegally declared their independence from the United Kingdom. The Security Council has not only declared unequivocally that the situation constitutes a threat to international peace and security but, with the co-operation of the administering Power, it has since 1966 applied first selective and then extensive economic and financial sanctions in accordance with its powers under Article 41 of the Charter in an effort to bring down the illegal régime. In May 1968, when the Council called upon all States, including those which are not Members of the United Nations, to apply extensive sanctions covering all trade with Southern Rhodesia, it set up a watchdog committee to oversee and report to it on the application of the sanctions. As part of its duties, the committee examines suspected cases of violations and seeks the co-operation of Governments in the prevention of "sanctions busting" by clandestine trade.

One must be cautious in endeavouring to assess the effectiveness of the sanctions because the machinery of enforcement is complex and a sufficient time must elapse to bring it fully into operation. The most recent report of the committee issued last June revealed that, whereas most States were reportedly complying with the Security Council's resolution and their actions were producing a measurable effect on Southern Rhodesia's economy, there was still a substantial volume of illicit trade. The problem is largely due to the fact that South Africa and Portugal, which together control the main access routes to Southern Rhodesia, have so far failed to comply with the sanctions decision, and continue both to trade with Southern Rhodesia themselves and to permit the free flow of illicit trade between Southern Rhodesia and other countries.

In its last report to the Security Council, the committee observed that the sanctions had so far not produced the desired effect because of the refusal of these two States to apply them and because some other States had not yet done all that was required. While improvement of the machinery of sanctions will doubtless make them more effective, the problem created by the non-compliance of South Africa and Portugal remains. So far, despite a recommendation to that effect from the General Assembly, the Security Council has not agreed to increase the scope of sanctions against Southern Rhodesia or to extend the sanctions to cover South Africa and the Portuguese-ruled Territory of Mozambique.

In Angola, Mozambique and Guinea, called Portuguese Guinea, the basic problem today is not so much racialism as the inability of Portugal to admit that the era of colonialism is past. Alone among the European Powers, Portugal has refused to accept the principle of self-determination of the peoples in Territories under its control because under the Portuguese Constitution these Territories are considered to be not colonies at all but overseas provinces of Portugal, forming part of a single unitary and pluri-continental State. It underlines this by pointing to the fact that the "overseas provinces" do in fact elect representatives to the National Assembly of Portugal and other bodies (although the electoral laws, which restrict suffrage on the basis of education and wealth, allow only a very few Africans to vote). The General Assembly, rejected this position in 1960. It determined that the Territories were Non-Self-Governing Territories and that Chapter XI of the Charter applied to them.

In 1961, the situation was transformed by the outbreak of armed revolt in Angola, which later spread to Guinea—called Portuguese Guinea—and Mozambique. Today, Portugal is still engaged in three separate wars against African liberation movements in these Territories. Because the fighting has affected the security of neighbouring African States, the Security Council has been seized of the situation since 1961. Both the General Assembly and the Security Council have called upon Portugal to grant the Territories their right of self-determination, to cease all acts of repression and withdraw its armed forces. They have also called on all States to withhold assistance to Portugal which could be used to further its military efforts. Though the Security Council has not made use of the powers available to it under Chapter VII of the Charter, the Assembly has brought pressure to bear on Portugal by calling upon all States and specialized agencies of the United Nations to withhold assistance of any kind to Portugal until it changes its policy and has appealed to Member States to break off diplomatic, consular and trade relations with Portugal, an appeal which has, however, had only limited effect. Other United Nations actions have been directed towards supporting the people in their struggle for liberation by appealing to Member States to aid the liberation movements and by providing assistance, through the United Nations High Commissioner for Refugees and other bodies, to almost 450,000 refugees.

As the tenth anniversary of the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples approaches, it is well to pause and reflect on what has been accomplished and what remains to be done. The fact that twenty-eight million people are still denied their inalienable right to self-determination and independence can leave no room for complacency. Today the majority of Member States are more than ever convinced that the

perpetuation of colonial rule is not only contrary to the purposes and principles of the Charter, but is an anachronism in the modern world and an impediment to the promotion of world peace and co-operation. The tragic situation in southern Africa is particularly deplorable because it poisons international relations and carries within it the menace of enduring racial hatred. The problem will be solved only when all the States Members of the United Nations set aside economic and other interests and unite their efforts to achieve the common goal. The United Nations, pledged as it is to the principle of racial equality, cannot ignore this challenge.

United Nations Office of Public Information
OPI/401-70-06601—April 1970—10M